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SIPDIS

SENSITIVE

E.O. 12958: N/A

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SUBJECT: LAW ENFORCEMENT COOPERATION: USS COLE DEFENDANTS -
ALIMI DEMARCHÉ

REF: STATE 75508

11. (SBU) Ambassador, accompanied by LEGATT and NCIS rep, carried out demarche reftel with Minister of Interior Alimi on Wednesday, April 7. Ambassador noted his intention to reiterate points to prosecutor general early week of April 10. Alimi confirmed that prosecutor general is appropriate interlocutor on these issues, but provided his views.

12. (SBU) In response to Ambassador's request for rendition of Quso and Badawi, Alimi reiterated longstanding ROYG position that it would prosecute, but not render Yemeni citizens accused of terrorist acts. In turn, Alimi requested that USG render to Yemen for prosecution Nashiri and Khalad bin Attash. Such renditions would resolve ROYG problem of structuring a prosecution that included all those responsible for Cole attack. Ambassador replied USG needs to retain these individuals as they continue to provide important intelligence on al-Qa'ida. Alimi speculated that the ROYG might try them in absentia.

13. (SBU) Alimi expressed ROYG desire to cooperate fully with USG in pending prosecutions where US citizens are victims. He noted Yemeni law accords victims' families or representatives extensive privileges, including presence at trial and sharing of prosecution's information. When Ambassador inquired about continued access to defendants, Alimi replied that is a question for the prosecutor general to resolve.

14. (SBU) COMMENT: Embassy/FBI/NCIS have some experience with Yemeni prosecution procedures based on trial in Ibb of murderer of US medical personnel in December 2002. FBI rep was present during this trial and gained significant access to prosecution's case file, but not access to defendant himself. We will be following up with prosecutor general to gain specifics for upcoming trials and possible access to detainees.

HULL